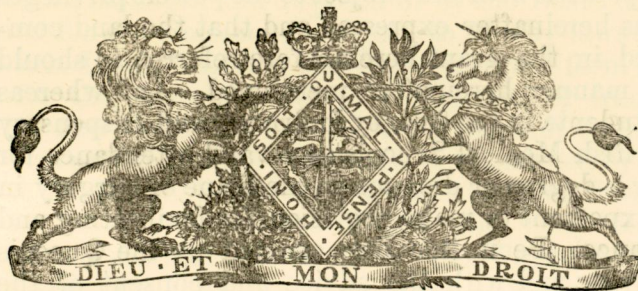


This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 19 November, 1878. }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to incorporate the Sydney Infirmary and Dispensary.

WHEREAS a Society or Institution was in the year one thousand eight hundred and twenty-six established known as the "Sydney Dispensary" having for its object to afford medical and surgical relief to poor and destitute persons and others requiring such aid And whereas by the Act of Council seventh Victoria number twenty-three the members of the said Sydney Dispensary were enabled to sue and be sued in the name of their Treasurer for the time being and in the same name to acquire and hold land by purchase or lease and provision was also made in case the said Society should establish a General Hospital that the said Act should be applicable to such Hospital as well as to the said Dispensary And whereas the Hospital so contemplated was established in the year eighteen hundred and forty six and the Society thereupon became and has since been designated and known as the "Sydney Infirmary and Dispensary" and has under such designation continued to occupy the lands buildings and premises in Macquarie-street originally occupied by the said Sydney Dispensary but no grant thereof has in fact ever been issued to the said Society And whereas on the twenty-second day of April one thousand eight hundred and seventy it was reported by a Select Committee of the Legislative Assembly appointed for the purpose of considering whether such grant should be issued that a grant should be issued to Trustees for the benefit of the said Sydney Infirmary and Dispensary And whereas such Report was confirmed by resolution of the Legislative Assembly on the twentieth day of September one thousand

Preamble.

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thousand eight hundred and seventy And whereas a deed of grant from the Crown has been or is intended to be issued in accordance with the aforesaid Report and resolution upon certain trusts in favour of the said Infirmary and Dispensary and subject to certain conditions
 5 qualifications and provisions as therein expressed And whereas the moneys now possessed by or held in trust for the said Sydney Infirmary and Dispensary have been given bequeathed or subscribed by persons of various religious denominations and it is therefore deemed expedient that the said institution shall be entirely unsectarian in
 10 character And whereas it is expedient for the purpose of more effectually carrying out the purposes for which such moneys are held viz. the erection of a suitable building or buildings the maintenance thereof and to ensure the good government and management thereof that the subscribers for the time being to the erection and support of the said
 15 Hospital should be incorporated with and subject to the powers privileges conditions and provisions hereinafter expressed and that the land comprised or to be comprised in the grant hereinbefore referred to should be vested and held in manner hereinafter mentioned And whereas attendance by medical students in the Sydney Infirmary and Dispensary
 20 is recognized by the British Medical Schools as a valid attendance for the purpose of obtaining a degree or diploma in medicine or surgery in Great Britain and it is expedient to make provision for facilitating and regulating such attendance Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the
 25 Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Sydney Infirmary and Dispensary Act." Title of Act.

2. From and after the passing of this Act the Act seventh Repeal of 7 Vic. No. 23.
 30 Victoria number twenty-three intituled "*An Act to enable the Members of a certain Institution in the Colony of New South Wales denominated 'The Sydney Dispensary' to sue and be sued in the name of the Treasurer for the time being and for other purposes therein mentioned*" shall be repealed but without prejudice to anything
 35 lawfully done or commenced thereunder.

3. All persons who at the time of the passing of this Act shall Subscribers to Institution to be a corporation.
 be entitled to vote at the meetings of the Sydney Infirmary and Dispensary And all persons who shall hereafter contribute to the support of the said institution a sum of not less than one pound annually while
 40 they continue so to contribute And all persons who shall contribute to the building fund of the hospital or the general support of the institution a sum of not less than fifty pounds in one sum shall be a body corporate by the name of the Sydney Infirmary and Dispensary and shall have perpetual succession and a common seal and under that name
 45 may sue and be sued prosecute and defend and take all other proceedings in all courts civil and criminal within the said Colony.

4. All real and personal estate now or hereafter vested in and held by any person or persons in trust for the said Sydney Dispensary or Sydney Infirmary and Dispensary are and shall be hereby transferred to and vested in the said body corporate subject to any trusts All trust property vested in body corporate.
 50 affecting the same.

5. It shall be lawful for the said body corporate to take Power to hold and deal with lands.
 purchase hold and enjoy not only such lands buildings and hereditaments as may from time to time be required for the purposes of the
 55 Institution but also any other lands and hereditaments whatsoever or wheresoever situate and also to take purchase receive hold and enjoy any chattels and personal property and also to sell grant convey demise or otherwise dispose of either absolutely or by way of mortgage any of the property real or personal belonging to the said body corporate
 Provided

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Provided that it shall not be lawful for the said body corporate so to sell grant convey demise or dispose of the said land so as aforesaid intended to be resumed by Her Majesty and to be granted for the purposes of the Institution or any part thereof or any
 5 land which may at any time hereafter be granted to the said body corporate by the Crown by way of free gift unless with the approval of the Governor and Executive Council to be testified by writing under the hand of the Governor countersigned by the Colonial Secretary for the time being except by way of lease for any term not exceeding
 10 twenty-one years from the time of the granting of any such lease in and by which there shall be reserved and made payable during the whole of the term to be thereby granted the best yearly rent that can be reasonably gotten for such land without any fine or premium.

6. The Institution and the property of the said body corporate
 15 shall be governed managed and disposed of by the Board of Directors of the Institution for the time being subject to the by-laws for the time being of the said Institution and six Directors shall form a quorum of such Board for the doing any act or performing or transacting any business which may under the provisions of this Act or the by-laws of
 20 the said body corporate be done performed or transacted by such Board.

7. The Board shall for all purposes connected with the said
 Institution be the representatives of the said body corporate and shall consist of a President one or more Vice-Presidents a Treasurer and twenty Directors together with two representative Directors
 25 to be annually elected by the Honorary Medical and Surgical Officers of the said Institution respectively And of the twenty Directors aforesaid four shall be nominated by the Governor with the advice of the Executive Council and shall hold office during the pleasure of the said Governor and Council Provided always that when and so
 30 often as any person appointed by the Governor as aforesaid ceases to be a Director some other person shall be appointed in the manner aforesaid.

8. The President Vice-Presidents and Treasurer shall be elected
 annually at a meeting of the subscribers to be held in the month of
 January or February and of the sixteen Directors to be elected by the
 35 subscribers at the annual meeting aforesaid six shall retire annually the retiring Directors being those whose attendance at the meetings of the Board shall have been the least numerous And where any doubt shall exist as to who shall be the Directors to retire under this provision the Board shall determine this matter by lot.

9. The first Board shall be the President Vice-Presidents Treasurer
 and Directors to be elected at the first of such meetings to be held after
 the passing of this Act And at such first meeting four of the six
 vacancies caused by the retirement of the six Directors retiring as pro-
 45 vided by the existing rules shall be filled by the four Directors to be nominated by the Governor with the advice of the Executive Council.

10. Subject to the provisions of this Act it shall be lawful for
 the Board to make repeal and alter by-laws for regulating the times
 and mode of meetings and of transacting business for fixing the
 number of votes of contributors in proportion to the amount of their
 50 contributions for determining the qualification disqualification change retirement election and appointment of Directors medical officers auditors executive and other officers and nursing staff and sub-committees of the Institution and generally for the support manage- ment and government of the Institution and of all officers servants
 55 and patients thereof And such by-laws shall on approval by the Governor with the advice aforesaid and upon publication in the *Gazette* have the full force of law and shall be laid before Parliament within fourteen days after such approval if Parliament be then sitting and if not then within fourteen days after the commencement of the next ensuing

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ensuing Session thereof Provided nevertheless that the rules and by-laws of the Sydney Infirmary and Dispensary in force at the time of the passing of this Act shall continue in force so far as the same shall be applicable until new by-laws shall have been made under the authority of this Act in place thereof.

11. A copy of the *Gazette* containing any such by-laws pur-
 5 reporting to be certified by the Secretary for the time being of the
 Institution as being correct shall be received in any Court as conclu-
 sive evidence of such by-laws having been duly made in pursuance of
 10 the provisions of this Act.

12. It shall be lawful for the Board from time to time to
 invest any funds of the said body corporate which are not in the
 opinion of such Board required to defray the current expenses of the
 Institution and any moneys given or bequeathed to or arising from
 15 any donation of real or personal property to the Institution at the
 discretion of such Board in any Government funds or debentures of
 any Australian Colony or in any debentures or debenture stock of any
 Municipal Corporation in the said Colonies or of any Bank or incor-
 20 porated company carrying on business there in or by way of purchase
 mortgage or otherwise upon any freehold estate there as well as
 in Bank or deposit receipts for fixed periods or otherwise with power
 from time to time and at any time to vary and transfer any such
 investment for or into any other investment authorized by this Act
 25 Provided always that it shall be lawful for the said Board in their
 absolute discretion at any time to resort to any such investments and
 to sell the same for the purpose of applying the moneys to arise from
 such sale for the purposes of the Institution.

13. The Board shall from time to time elect and appoint from
 their own body a house committee and such and so many sub-com-
 30 mittees as they may think fit for transacting the affairs and business
 of the Institution with and subject to such powers privileges provisions
 and conditions as shall be expressed and declared by the by-laws.

14. It shall be lawful for the Board from time to time to make
 provision for the establishment and support of a medical school and a
 35 nursing and training staff for the Institution And for regulating the
 attendance of medical students at such school and the fees to be paid
 by such students.

15. No irregularity informality or illegality in the election or
 appointment of any Director or officer of the Institution shall render
 40 illegal or invalid any act deed matter or thing done or executed or
 suffered to be done or executed by such Director or officer in pursuance
 of such election or appointment but any such election or appoint-
 ment may in such way as may be provided for in the said by-laws be
 determined by resolution to be good or bad and if bad the vacancy
 45 may be supplied in such way as may be provided for in such by-laws
 the provisions whereof as to the validity of any such election or
 appointment and the acts deeds and things done by any Director or
 officer in pursuance of any such election or appointment shall have the
 force and effect of law.

16. It shall be lawful for the said Board to design the common
 50 seal of the said body corporate.

17. It shall be lawful for the Treasurer to institute and prosecute
 in the name and on behalf of the said body corporate proceedings in
 any Court against any person who may have received medical or
 55 surgical treatment in the Institution or against the executors or
 administrators or the Curator of the estate of any such person for the
 recovery of fees and remuneration for such care and attention and
 any amount recovered in any such proceeding shall be applied in such
 way as may be provided in the by-laws.